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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,360	01/16/2002	Gerald Ronald Gough	5681-09000	6010

7590 10/22/2003

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EXAMINER

DUONG, HUNG V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,360

Applicant(s)

GOUGH ET AL.

Examiner

Hung v Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,12-15,17 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3-9,18-20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 4,11 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 4-8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 4 fails to further limit the independent claim 1 which already contains a media drive.
2. Claims 11, and 16 are objected to because of the following informalities: in claim 11, line 2, "the media drive bay" should be --a media drive bay--, line 3, "a media drive bay" should be -- the media drive bay --; In claim 16, line 3, "a rear surface" should be -- the rear surface--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-9, 18-20, and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, are "a media drive" (line 3), " a received media drive" (lines 4-7), " a received media drive" (line 7), " the media drive" (line 8), "an inserted media drive" (line 10) and "the media drive" (lines 10-11) the same?

In claim 5, is " a latching member" the same with "a latching member" of claim 1?

In claim 5, is "a rear surface of the media drive" the same with "a rear surface of the media" of claim 1, lines 4-5?

In claim 6, "the media drive casing" has no antecedent basis.

In claim 18, are " a media drive" (line 3), "a received media drive" (line 5) "a received media drive" (line 7), " the media drive" (line 9), " an inserted media drive" (lines 11-12), and "the media drive" (line 12) the same?

In claim 19, "the media drive casing" has no antecedent basis.

In claim 22, is " a received media drive" the same with "the media drive" of claim 21?

In claim 23, is "an inserted media drive" the same with "a received media drive" of claim 22?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 8-9, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins et al. (US Pat. 5,926,366).

Regarding claims 1, 3-4, 8-9, and 18 Collins et al disclose in figures 9-10 a system unit comprising a media drive bay, the media drive bay comprising: a drive bay housing 24 configured to receive a media drive 32; a connector 34 to interface with a connector 85 on a rear surface of a received media drive 32; a resilient tongue 74, 92 formed integrally with a first side of the media drive bay housing 24, which resilient tongue 74, 92 is operable to urge onto the received media drive, a detent for latching a latching member attached to the media drive 32 (see figure 3), and support surfaces 86 defined on a second side of the drive bay housing 24 opposite to the first side, whereby the resilient tongue 74, 92 applies pressure on the inserted media drive to press the media drive against the support surfaces (figures 9-10) wherein the support surfaces formed slides 86 within the drive bay housing 24. The media drive is a commercially available media drive for non-removable use, the media drive being modified by the provision of the latching member to provide for removability wherein the system unit is a rack mountable computer server.

Allowable Subject Matter

5. Claims 5-7, and 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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6. Claims 22-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph

7. Claims 10-17, and 21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show that a media drive comprising a connector at a rear surface thereof and a latching member secured to the rear surface, the latching member comprising a plate including formations to enable securing of the latching member to the rear surface of the media drive and an integral resilient latching projection.

Response to Amendment

8. Applicant's arguments with respect to claim 1, 3-4, 8-9, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Response to Argument

9. Applicant's arguments filed 7/22/2003 have been fully considered but they are not persuasive. Applicants argue that "a media drive" is not claimed in claim 1, Examiner respectfully disagrees. If the media drive is not claimed, how a connector being constructed on a rear surface of a media drive and a latching member can attach to the media drive as claimed in claim 1?

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collins et al. (US Pat. 5,868,261) teach a latch for removably installing a media drive into a bay housing (see abstract).

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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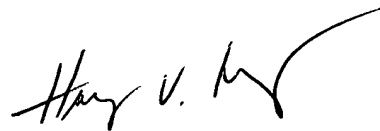
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 703- 308-4889. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703 308 4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

HVD

10/15/03

A handwritten signature in black ink, appearing to read 'Hung V. Duong', with a stylized flourish extending from the end.

Hung Duong
Patent Examiner.